

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

REGINALD TYRONE MADDIX,	:	
	:	5:09-CR-26 (CAR)
Petitioner,	:	5:11-CV-90096 (CAR)
	:	
vs.	:	HABEAS CORPUS
	:	28 U.S.C. ' 2255
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	

***ORDER ON THE RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 318] to deny Petitioner's 28 U.S.C. § 2255 petition seeking habeas corpus relief [Doc. 282]. Petitioner, proceeding *pro se*, has filed an Objection to the Recommendation [Doc. 322]. Having fully considered the record in this case and making a *de novo* determination of the portions of the Recommendation to which Petitioner objects, the Court finds the Objection to be without merit. Thus, the United States Magistrate Judge's Recommendation [Doc. 318] to deny Petitioner's habeas corpus petition is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT**, and Petitioner's habeas corpus petition [Doc. 282] is hereby **DENIED**.

In his Objection, Petitioner argues that his 120-month mandatory minimum sentence should be vacated and reduced to 87 months because “3.5 kilograms of cocaine required a statutory minimum sentence of 60 months.”¹ In his plea agreement, however, Petitioner stipulated that “his sentence [would] be based on at least five kilograms but less than fifteen kilograms of cocaine.”² Thus, Petitioner was subject to a mandatory minimum sentence of 120 months, and his objection is without merit. For the reasons explained in the Recommendation, the Court agrees Petitioner’s petition seeking habeas corpus relief should be denied.

Accordingly, the Recommendation to Deny Relief [Doc. 318] is **ADOPTED** and **MADE THE ORDER OF THIS COURT**, and Petitioner’s 28 U.S.C. § 2255 petition seeking habeas corpus relief [Doc. 282] is **DENIED**. Because it does not appear that Petitioner has made a substantial showing of the denial of a constitutional right, a certificate of appealability is **DENIED**.

SO ORDERED, this 7th day of January, 2013.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

SSH

¹ Objection, p. 2, Doc. 322 (emphasis added).

² Plea Agreement, p. 11, Doc. 178.